

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

|                                  |   |                            |
|----------------------------------|---|----------------------------|
| SOVERAIN SOFTWARE LLC,           | ) |                            |
|                                  | ) |                            |
| Plaintiff,                       | ) |                            |
|                                  | ) |                            |
| vs.                              | ) |                            |
|                                  | ) |                            |
| CDW CORPORATION,                 | ) |                            |
| NEWEGG INC.,                     | ) | Case No. 6:07-cv-00511-LED |
| REDCATS USA, INC.,               | ) |                            |
| SYSTEMAX INC.,                   | ) |                            |
| ZAPPOS.COM, INC.,                | ) |                            |
| REDCATS USA, L.P.,               | ) |                            |
| THE SPORTSMAN'S GUIDE, INC., AND | ) |                            |
| TIGERDIRECT, INC.,               | ) |                            |
|                                  | ) |                            |
| Defendants.                      | ) |                            |
|                                  | ) |                            |

**AGREED MOTION FOR EXTENSION OF TIME FOR DEFENDANTS TO FILE  
AMENDED ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS**

Defendants CDW Corporation, Newegg, Inc., Zappos.com, Inc. (a California Corporation) and Zappos.com, Inc. (a Delaware Corporation) (collectively, "Defendants") hereby move the Court for an extension of time through August 20, 2008 to file an Amended Answer, Affirmative Defenses and Counterclaims, and an extension through September 19, 2008 for the exchange of proposed terms and claim elements for construction.

1. Discovery presently does not close in this case until August 31, 2009. Trial is not scheduled in this matter until February 8, 2010. The requested extension will not affect these or any other dates set by the Court.
2. Under the current Docket Control Order, Defendants had through July 21, 2008 to (1) assert any counterclaims without leave of Court and (2) add any inequitable conduct allegations to pleadings without leave of Court.

3. In order to facilitate ongoing discussions between Defendants and Plaintiff Soverain Software LLC, the parties have agreed to extend the date by which Defendants are to assert such counterclaims and add such allegations through August 20, 2008.

4. Consistent with the current schedule, all parties have further agreed to extend the date for the exchange of proposed terms and claim elements for construction through September 19, 2008.

5. This Motion is submitted in good faith and not for the purpose of delay, and, as noted, the Defendants do not expect that the requested extension of time shall in any way effect any other dates in the Court's current Docket Control Order or the present trial date in this matter.

6. A separate Proposed Order is submitted herewith.

WHEREFORE, for the foregoing reasons, Defendants respectfully request that the Court grant Defendants an extension of time through August 20, 2008 to (1) assert any counterclaims without leave of Court and (2) add any inequitable conduct allegations to pleadings without leave of Court, and an extension of time through September 19, 2008 to exchange proposed terms and claim elements for construction

Respectfully submitted,

Dated: July 30, 2008

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Counsel for Defendants CDW Corporation,  
Newegg, Inc., Zappos.com, Inc. (a  
California corporation) and Zappos.com,  
Inc. (a Delaware corporation)

**CERTIFICATE OF SERVICE**

I hereby certify that on above date, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/ Thomas L. Duston